

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER**

-----X
G.F.,

Plaintiffs,

SUMMONS

-against-

INDEX No.:

GEORGE PAPADAKIS, and PAULA PAPADAKIS,

Defendants.
-----X

Plaintiff designates the County of Westchester as the place of trial. The basis of venue is 22 NYCRR §202.72 of the Uniform Rules for the Supreme and County Courts, CPLR 214-g and the Regional Child Victims Act Part for the Ninth and Tenth Judicial District Rules. Defendant GEORGE PAPADAKIS, resides in the County of Rockland in the State of New York. As such this action is properly venued in the Ninth Judicial District in Westchester County.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by defaulted for the relief demanded in the complaint.

Dated: New York, New York
September 25, 2019

PHILLIPS & PAOLICELLI, LLP
Attorneys for Plaintiffs

By: 

Danielle George, Esq.
747 Third Avenue, 6th Fl
New York, NY 10017
Attorneys for Plaintiff
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To:

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Stony Point, NY 10980

PAULA PAPADAKIS
30 5th Street
Watervliet, NY 12189

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

G.F.,

Plaintiff,

vs.

GEORGE PAPADAKIS, and PAULA
PAPADAKIS

Defendants.

VERIFIED COMPLAINT

Index No.:

G.F., by and through her undersigned attorneys, as and for her Verified Complaint, alleges as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Child Victims Act, codified at CPLR 214-g.

2. A parent has no greater familial responsibility than to protect his or her child. Here, Plaintiff's step-father, Defendant George Papadakis sexually abused Plaintiff throughout her childhood. Defendant Paula Papadakis ignored her daughter's warnings and cries for help, and allowed Plaintiff's step-father Defendant George Papadakis to sexually abuse her throughout her childhood. Years later, Plaintiff is still haunted by the memories of her abuse and the betrayal she endured at the hands of two parents who were suppose to shield her from harm in the one place all children should feel safe – their home.

3. Plaintiff suffered sexual abuse by Defendant George Papadakis from approximately age seven (7) to seventeen (17) years old.

4. Upon information and belief, Defendant George Papadakis sexually assaulted Plaintiff in their home in New York State during this time period.

5. Upon information and belief, Defendant Paula Papadakis ignored signs and warnings that George Papadakis was a danger to Plaintiff and was engaging in inappropriate, sexual contact with Plaintiff in their home.

6. Notwithstanding this knowledge, and the duty and relationship of trust owed to her children, Defendant Paula Papadakis negligently, recklessly, and willfully failed to protect Plaintiff from sexual abuse by George Papadakis, permitted the abuse to occur, failed to supervise Plaintiff or George Papadakis, failed to timely investigate George Papadakis' misconduct, acted to protect her own self-interest to the detriment of Plaintiff, and is otherwise responsible for Paula Papadakis' sexual assault of Plaintiff, and Plaintiff's consequential injuries and damages.

PARTIES

7. Plaintiff is an individual residing in Ulster County, New York.

8. Plaintiff was born in 1971.

9. Defendant Paula Papadakis, at all relevant times, was and is Plaintiffs' mother who currently resides in Albany County, NY.

10. Defendant George Papadakis, at all relevant times, was and is Plaintiffs' step-father who currently resides Rockland County, NY.

FACTUAL ALLEGATIONS

11. Plaintiff repeats and realleges all preceding paragraphs of this Complaint.

12. From approximately 1978 through 1988 Plaintiff resided with Defendants George Papadakis and Paula Papadakis ("Defendants").

13. At all relevant times, Defendant George Papadakis and Paula Papadakis were Plaintiff's step-father and natural mother.

14. At all relevant times, Plaintiff was under the direct supervision and control of the Defendants.

15. During the relevant time period, Defendant George Papadakis engaged in inappropriate, unlawful, sexual contact with Plaintiff in their home.

16. During the relevant time period, Plaintiff was a minor and did not consent to the sexual contact.

17. At all relevant times, Defendant Paula Papadakis failed to supervise George Papadakis and Plaintiff to prevent George Papadakis from engaging in inappropriate, unlawful, sexual contact with Plaintiff in their home.

18. Upon information and belief, Plaintiff provided direct warnings of the sexual abuse she was suffering to Defendant Paula Papadakis, who wholly ignored said warnings and continued to allow George Papadakis to have unfettered, unsupervised, one-on-one access to Plaintiff in their home.

19. Upon information and belief, Plaintiff continued to suffer sexual abuse from Defendant George Papadakis after providing notice to Defendant Paula Papadakis.

20. Defendant George Papadakis coerced Plaintiff to comply and stay silent.

21. At all relevant times, Plaintiff was a vulnerable child, unable to protect herself, and Defendants asserted their authority and control over her.

22. Upon information and belief, Defendant Paula Papadakis knew or should have known that George Papadakis was a danger to Plaintiff, before he continued to sexually abuse Plaintiff.

23. The sexual abuse of Plaintiff by George Papadakis was foreseeable to Paula Papadakis.

24. Defendant Paula Papadakis owed Plaintiff a reasonable duty of care as a parent and mother of Plaintiff to serve Plaintiff's best interest, provide a safe and secure environment in their home, Plaintiffs' emotional and physical needs, and to protect Plaintiff from abuse from other household members, including Defendant George Papadakis.

25. Defendant Paula Papadakis owed Plaintiff a duty to protect her from harm because Defendants' acts and omissions created a foreseeable risk of harm to Plaintiff.

26. As a result of the foregoing, Plaintiff has suffered and continues to suffer great physical and mental pain and anguish, severe and permanent emotional distress, psychological injuries, fear and anxiety; was prevented and will continue to be prevented from performing her normal daily activities; was and will continue to be deprived of the enjoyment of life's pleasures; has suffered and will continue to suffer loss of earnings and earning capacity; has incurred and will in the future incur expenses for medical and psychological treatment, and was otherwise damaged.

COUNT I

BATTERY

27. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

28. Defendant George Papadakis, with intent to do so, engaged in sexual and unlawful acts with Plaintiff which amounted to a series of harmful and offensive contacts to Plaintiff's person.

29. At all relevant times, Plaintiff was a minor and did not consent to these sexual and unlawful acts.

30. As a direct and proximate result of Defendant George Papadakis' sexual and unlawful acts, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

31. By reason of the foregoing, Defendant George Papadakis is liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT II

ASSAULT

32. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

33. Defendant George Papadakis, with intent to do so, engaged in sexual and unlawful acts with Plaintiff, which created a reasonable apprehension in Plaintiff of immediate harmful or offensive contact to Plaintiff's person.

34. At all relevant times, Plaintiff was a minor and did not consent to these sexual and unlawful acts.

35. As a direct and proximate result of Defendant George Papadakis' sexual and unlawful acts, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

36. By reason of the foregoing, Defendant George Papadakis is liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT III**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

37. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

38. Defendant George Papadakis engaged in sexual and unlawful acts with Plaintiff with intent to cause, or with reckless disregard for the probability of causing, Plaintiff to suffer severe emotional distress.

39. Defendant George Papadakis' conduct was both extreme and outrageous in character, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

40. Defendant George Papadakis committed these sexual and unlawful acts maliciously, fraudulently, and oppressively with the wrongful intention of injuring Plaintiff and in disregard to Plaintiff's rights.

41. As a direct and proximate result of Defendant George Papadakis' conduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

42. By reason of the foregoing, Defendant George Papadakis is liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT IV**NEGLIGENT SUPERVISION AND DIRECTION**

43. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

44. At all relevant times Defendant Paula Papadakis had a duty to exercise due care in the supervision and direction of George Papadakis and Plaintiff, so as to protect her minor children, including Plaintiff, who were likely to come into contact with, and/or under the influence or supervision of George Papadakis, and to ensure that George Papadakis did not use his position as step-father to injure her children by sexual assault, contact, or abuse.

45. Defendant Paula Papadakis was negligent and did not use reasonable care in her supervision and direction of George Papadakis and Plaintiff, failed to monitor their activities, failed to oversee the manner in which they interacted, even though she knew or should have known that George Papadakis posed a threat of sexual abuse to minors; allowed the misconduct describe above to occur and continue; failed to investigate George Papadakis' dangerous activities and remove him from their premises; and Defendant Paula Papadakis was otherwise negligent.

46. George Papadakis would not have been in a position to sexually abuse Plaintiff had Defendant Paula Papadakis not been negligent in the supervision and direction of George Papadakis and Plaintiff.

47. Defendant Paula Papadakis' aforesaid actions were willful, wanton, malicious, reckless, and/or outrageous in her disregard for the rights and safety of Plaintiff.

48. Plaintiff suffered grave injury as a result of Defendant Paula Papadakis' negligence and Defendant George Papadakis' sexual abuse and misconduct, including physical, psychological and emotional injury as described above.

49. By the reason of the foregoing, Defendant Paula Papadakis is liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT V**NEGLIGENT, RECKLESS, AND WILLFUL MISCONDUCT**

50. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

51. At all relevant times, Defendants affirmatively and/or impliedly represented to Plaintiff that George Papadakis did not pose a risk of sexually abusing children, and that children, including Plaintiff, would be safe in their care.

52. At all relevant times, Plaintiff was sexually assaulted by George Papadakis.

53. Upon information and belief, Plaintiff provided direct warnings of the sexual assault to Defendant Paula Papadakis.

54. Defendant Paula Papadakis knew or should have known that giving George Papadakis unfettered access to Plaintiff, posed an unacceptable risk of harm to Plaintiff.

55. Defendant Paula Papadakis failed to remove George Papadakis from the property and ignored Plaintiffs' warnings.

56. Defendant Paula Papadakis' choice to ignore Plaintiffs' warnings resulted in the sexual assault of Plaintiff.

57. Defendant Paula Papadakis failed to comply with the Child Protective Services Act of 1973.

58. The purpose of the Child Protective Services Act of 1973 is to encourage more complete reporting of child abuse and maltreatment. The law established child protective services (CPS) in each county in New York. Each CPS is required to investigate child abuse and maltreatment reports, to protect children (anyone under 18 years old) from further abuse or

maltreatment, and to provide rehabilitative services to children, parents, and other family members involved.

59. Defendant Paula Papadakis' failure to comply with the Child Protective Services Act of 1973 caused and permitted repeated sexual assault and maltreatment of Plaintiff at the hands of Defendant George Papadakis over the course of many years.

60. The conduct of Defendants as described herein was done with utter disregard as to the potential profound injuries which would ensue, and with depraved indifference to the health and well-being of children, and to the fact that Defendant subjected her daughter, Plaintiff, to sexual crimes.

61. Defendant Paula Papadakis' aforesaid actions were negligent, reckless, willful and wonton in her disregard for the rights and safety of children, including Plaintiff.

62. As a direct and proximate result of Defendants' negligence and misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

63. By the reason of the foregoing, Defendant Paula Papadakis is liable to Plaintiff for compensatory and punitive damages, in an amount to be determined at trial, together with interest and costs.

COUNT VI

NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

64. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

65. The sexual abuse of Plaintiff was extreme and outrageous conduct, beyond all possible bounds of decency, atrocious and intolerable in a civilized world.

66. Defendants' aforesaid negligent, grossly negligent, and reckless misconduct endangered Plaintiff's safety and caused her to fear for her own safety.

67. Defendant Paula Papadakis knew or disregarded the substantial probability that George Papadakis would cause severe emotional distress to Plaintiff.

68. As a direct and proximate result of Defendants' foregoing misconduct, Plaintiff suffered severe emotional distress including psychological and emotional injury as described above.

69. By the reason of the foregoing, Defendant Paula Papadakis is liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VII

PREMISES LIABILITY

70. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

71. At all relevant times, Defendant Paula Papadakis and/or George Papadakis owned, operated, and /or controlled the premises where they and Plaintiff lived, including the areas where the sexual abuse of Plaintiff occurred.

72. At all relevant times, Plaintiff was rightfully present at the aforementioned premises.

73. Defendant Paula Papadakis had a duty to see that the premises at which Plaintiff was rightfully present were in a reasonably safe condition for the intended use by her children, including Plaintiff, whose presence was reasonably anticipated.

74. Defendant Paula Papadakis willfully, recklessly, and negligently failed to provide a reasonably safe premises that was free from the presence of sexual predators and/or the assault by the occupants of the premises, including George Papadakis. Defendant Paula Papadakis thereby breached her duty of care of Plaintiff.

75. As a direct and proximate result of Defendants' misconduct, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

76. By reason of the foregoing, Defendant Paula Papadakis are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

COUNT VIII

BREACH OF FIDUCIARY DUTY

77. Plaintiff repeats and realleges each and every allegation set forth above as if fully set forth herein.

78. At all relevant times, there existed a fiduciary relationship of trust, confidence and reliance between Plaintiff and each Defendant. The entrustment of Plaintiff to the care and supervision of the Defendants while Plaintiff was a vulnerable child, imposed upon Defendants fiduciary duty to act in the best interests of Plaintiff.

79. Defendants were entrusted with the well-being, care, and safety of Plaintiff, which Defendants had a fiduciary duty to protect.

80. By reason of the foregoing, Defendants breached their fiduciary duties to Plaintiff.

81. As a direct and proximate result of Defendants' foregoing breach, Plaintiff suffered grave injury, including the physical, psychological and emotional injury and damages as described above.

82. By reason of the foregoing, Defendants are liable to Plaintiff for compensatory and punitive damages in an amount to be determined at trial, plus interest and costs.

WHEREFORE, Plaintiff prays for judgment as follows:

- a. Awarding Plaintiff compensatory damages for her injuries, in an amount to be determined at trial;
- b. Awarding Plaintiff punitive damages for her injuries, in an amount to be determined at trial;
- c. Awarding Plaintiff prejudgment interest, to the extent available by law;
- d. Awarding Plaintiffs costs and disbursements and attorneys' fees to the extent available by law; and
- e. Awarding such other and further relief as this Court may deem just and proper.


JURY TRIAL DEMANDED

83. Plaintiff demands a trial by jury of all issues triable by jury in this action.

Dated: September 25, 2019

Yours, etc.

PHILLIPS & PAOLICELLI, LLP


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VERIFICATION

STATE OF NEW YORK)

ss:

COUNTY OF NEW YORK)

DANIELLE GEORGE, ESQ. being duly sworn, deposes and says:

1. I am an attorney who is a member of the law firm of Phillips & Paolicelli, LLP.
2. I have read the foregoing Summons and Verified Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based on the facts, records and other pertinent information contained in my file.
3. The reason this verification is made by me and not by the plaintiff is because the plaintiff does not reside within the County where her attorneys maintain our offices, to wit: 747 Third Avenue, 6th Floor, County of New York, and State of New York.

Dated: September 25, 2019



Danielle George, Esq.
747 Third Avenue, 6th Fl.
New York, NY 10017
Attorneys for Plaintiffs